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| FORREST MITTENDORF, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 4:08CV1691 JCH |
| |) | |
| AL LUEBBERS, |) | |
| |) | |
| Respondent. |) | |

This matter is before the Court on Petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is successive and shall be summarily dismissed.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

Petitioner was sentenced by the state court in 1996. Petitioner sought federal habeas relief after the conviction. His federal habeas petition was denied on July 6, 2001, and Petitioner did not appeal the ruling to the United States Court of Appeals for the Eighth Circuit.

To the extent that Petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To

the extent that Petitioner seeks to bring new claims for habeas relief, he must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring those claims in this Court. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not been granted leave to file a successive habeas petition in this Court. As a result, the petition shall be dismissed.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's petition for writ of habeas corpus is **DISMISSED**. An appropriate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 2nd day of December, 2010.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE